

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 2, 5 and 8 are currently being amended to clarify those claims. New claims 10-12 are being added. Support for new claims 10-12 can be found at least in the specification on page 17, line 23 to page 18, line 19. No new matter has been added.

This amendment changes and adds claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-12 are now pending in this application.

Rejections under 35 U.S.C. § 103

Claims 1, 4 and 7 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 6,119,015 to Eun ("Eun") in view of JP 11-205849 ("JP '849") and further in view of U.S. 20050243745 to Stanwood ("Stanwood"). Claims 2-3, 5-6 and 8-9 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Eun, JP '849 and Stanwood, and further in view of JP 2000-253460 ("JP '460"). Applicant respectfully traverses these rejections for at least the following reasons.

Independent claim 1 recites:

A radio base station system formed of one master base station, a plurality of slave base stations, and a control device controlling the master base station and the slave base stations, wherein

the slave base station includes:

frame synchronizing means for synchronizing a frame of said slave base station with a frame of the master base station, and

slot setting means for setting, as a reception control slot, a predetermined reception slot in the frame of said slave base station matching in timing with a reception control slot in the frame of the master base station;

each of the base stations includes:

reception level obtaining means for obtaining a reception level of said

set reception control slot when a link channel establishment request message is received in said set reception control slot, and

traffic channel allocating means for allocating a traffic channel with respect to a mobile station transmitting the link channel establishment request message to predetermined transmission and reception slots in the frame according to a traffic channel allocation instruction; and

the control device includes:

allocation instructing means for receiving the reception level from each of the base stations, determining the base station of the maximum reception level and transmitting the traffic channel allocation instruction to the determined base station.

The references applied in the rejections of the claims fail to disclose at least the above italicized features of independent claim 1 in the context of that claim.

Eun discloses a system with a master base station 200, and slave base stations 300, 400 and 500 (See FIG. 1). The base stations communicate with respective mobile units 202-208, 302-308, 402-408 and 502-508.

Eun, however, fails to disclose either the reception level obtaining means or the allocation instructing means as those features are specifically recited in the claims. The Patent Office cites to col. 4, lines 30-33 and col. 48, line 48 to col. 5, line 5 of Eun for disclosing the reception level obtaining means of claim 1. Neither of these cited section, however, disclose the features of the reception level obtaining means as claimed. Eun, in col. 4, lines 30-33, merely discloses that a MAC layer is used to select physical channels, and in col. 4, line 48 to col. 5, line 5 discloses details of how the base stations communicate. Neither of these cited sections, however, disclose structure “for obtaining a reception level of said set reception control slot when a link channel establishment request message is received in said set reception control slot.” No such reception level of a reception control slot is obtained as recited in claim 1 in Eun. If the Examiner maintains the rejection based on Eun, the Examiner is respectfully requested to specifically point out where Eun discloses obtaining a reception level when a link channel establishment request message is received in the set reception control slot.

Eun also fails to disclose the allocation instructing means of claim 1. The Patent Office on page 3 of the Office Action alleges that Eun discloses “allocation instructing means

for receiving the reception level from each of the base stations,” citing to col. 7, lines 9-22 of Eun. As discussed above, Eun does not disclose structure “for obtaining a reception level of said set reception control slot when a link channel establishment request message is received in said set reception control slot.” Thus, Eun necessarily can not disclose any “allocation instructing means for receiving the reception level from each of the base stations,” as recited in claim 1. The section of Eun cited by the Patent Office merely discloses a controller 250 that checks the status of the base station, but does not disclose any allocation means for receiving a reception level from a base station.

The Patent Office on page 4 recognizes that Eun does not disclose any structure of an allocation instructing means for “determining the base station of the maximum reception level and transmitting the traffic channel allocation instruction to the determined base station,” but cites to Stanwood in paragraphs [0054] and [0070]-[0071] for disclosing this feature. Applicants respectfully disagree. Stanwood merely discloses that base station bandwidth requirement parameters are used in controlling the uplink/downlink time slot allocations for a given cell (See paragraph [0070]). Stanwood does not disclose “determining the base station of the maximum reception level,” or, necessarily “transmitting the traffic channel allocation instruction to the determined base station.”

JP ‘849 and JP ‘460 were cited for disclosing other features of the claims, but fail to cure the deficiencies of Eun and Stanwood.

Independent claims 4 and 7 include features corresponding to those discussed above with respect to claim 1 in the context of a method claim and a computer readable medium claim, respectively, and are patentable for analogous reasons.

The dependent claims are patentable for at least the same reasons as their respective independent claims, as well as for further patentable features recited therein. For example, claims 10-12 all recite the feature of “wherein said predetermined conditions include a minimum reception slot interference level.” Thus, in claims 10-12, the traffic channel is allocated to the reception slot satisfying predetermined conditions when the reception slot satisfying the predetermined conditions exists other than a predetermined reception slot, and

the traffic channel is allocated to the predetermined reception slot when the reception slot satisfying the predetermined conditions does not exist, “wherein said predetermined conditions include a minimum reception slot interference level.” By contrast, JP ‘640, which was cited for disclosing features regarding the predetermined conditions, merely discloses allocating a controlling slot to a calling slot in the case of an emergency call when all the calling slots are being used. JP ‘460 does not disclose its allocation to be based on a minimum reception slot interference level as in claims 10-12.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

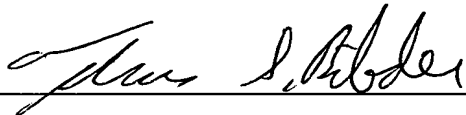
Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date September 16, 2008

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5485
Facsimile: (202) 672-5399

William T. Ellis
Attorney for Applicant
Registration No. 26,874

Thomas G. Bilodeau
Attorney for Applicant
Registration No. 43,438